

Remarks

Claim 1 has been canceled and claims 2-5 have been amended. The claims now present in this application are claims 2-7. Accompanying this Amendment and Response is a Terminal Disclaimer disclaiming the terminal portion of any patent which may issued from the captioned application beyond the expiration of U.S. Patent Number 6,733,755, issued on May 11, 2004. Based upon the submission of this Terminal Disclaimer the rejection of the claims under the judicially-created doctrine of obviousness-type double patenting has been obviated in accordance with the suggestion on page 8 of the aforementioned Office Action.

The objection to the Specification, in that specific sequences listed on pages 21, 73 and 74 were not included in a sequence listing, has been obviated. In a previously-filed Amendment, a new Sequence Listing has been submitted amending the Sequence Listing now present in this application to include the sequences set forth on page 2 of the Office Action. In addition the Specification has been amended to include the numbers of the sequences set forth on these pages. With this prior amendment, it is submitted that all of the objections in the Office Action to the Specification have been obviated.

Furthermore, a new Information Disclosure Statement accompanies this Amendment and Response.

All of the claims have been limited to the sequence of claim 2, SEQ ID NO:29. Therefore, all of the claims are dependent upon claim 2. Claim 2 has not been rejected under 35 U.S.C. §112, first paragraph, because the Specification was considered enabling for the sequence comprising SEQ ID NO:29. Therefore, in view of the fact that all the claims are now limited to SEQ ID NO:29, this rejection is clearly obviated.

In view of the cancellation of SEQ ID NO:7, the rejection of the claims on the grounds of written description and 35 U.S.C. §112, first paragraph, are clearly obviated.

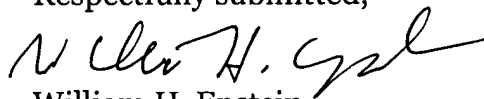
Claims 1 and 3-7 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 6,380,370. This rejection does not apply to claim 2 and SEQ ID NO:29. Clearly by limiting the claims to SEQ ID NO:29 this rejection is obviated.

Correspondence and Fees

Please charge the Petition for One Month Extension of Time fee of Sixty Dollars (\$60.00) and the Terminal Disclaimer fee of Sixty-Five Dollars (\$65.00) to Deposit Account No. 03-3839. No additional fees are believed to be necessitated by the instant response. However, should this be in error, authorization is hereby given to charge Deposit Account no. 03-3839 for any underpayment, or to credit any overpayments.

Please address all correspondence to Intellectual Property Docket Administrator, Gibbons, Del Deo, Dolan, Griffinger & Vecchione, One Riverfront Plaza, Newark, NJ 07102-5497. Telephone calls should be made to William H. Epstein at (973) 596-4607 and fax communications should be sent directly to him at (973) 639-6397.

Respectfully submitted,



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